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3 **II. JURISDICTION**

4 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

5 **III. PARTIES**
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7 3. Plaintiffs, Lou and Leonard Sere day, is a natural person residing in the
8 State of Washington, County of Spokane, and City of Spokane.

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10 4. Plaintiffs are a “consumer” as defined by the FDCPA, 15 U.S.C. §
11 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

12 5. At all relevant times herein, Defendant, Enhanced Recovery
13 Corporation, (“Defendant”) was a corporation engaged, by use of the mails and
14 telephone, in the business of attempting to collect a “debt” from Plaintiffs, as
15 defined by 15 U.S.C. §1692a(5).
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18 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §
19 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).
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21 **IV. FACTUAL ALLEGATIONS**

22 7. At various and multiple times prior to the filing of the instant complaint,
23 including within the one year preceding the filing of this complaint, Defendant
24 contacted Plaintiffs in an attempt to collect an alleged outstanding debt.
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1 Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways,
 2 including but not limited to:

- 3
- 4 a. Engaging in conduct the natural consequence of which is to harass,
 5 oppress, or abuse Plaintiff, including causing repeated calls to be made
 6 to Plaintiff with a faulty auto-dialer which causes itself to disconnect
 7 each time Plaintiff answers (§ 1692d);
- 8 b. Using false representations and deceptive practices in connection with
 9 collection of an alleged debt from Plaintiff, including repeatedly
 10 promising that Defendant would either repair the faulty auto-dialer or
 11 cease calling Plaintiff with the auto-dialer (§ 1692e(10)).

12 9. Defendant's aforementioned activities, set out in paragraph 8, also
 13 constitute an intentional intrusion into Plaintiffs' private places and into private
 14 matters of Plaintiffs' life, conducted in a manner highly offensive to a reasonable
 15 person. With respect to the setting that was the target of Defendant's intrusions,
 16 Plaintiffs had a subjective expectation of privacy that was objectively reasonable
 17 under the circumstances.

18 10. As a result of Defendant's behavior, detailed above, Plaintiffs
 19 suffered and continues to suffer injury to Plaintiffs' feelings, personal humiliation,
 20 embarrassment, mental anguish and emotional distress.

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23 **COUNT I: VIOLATION OF FAIR DEBT**
 24 **COLLECTION PRACTICES ACT**

25 11. Plaintiffs reincorporates by reference all of the preceding paragraphs.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully prays that judgment be entered
against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct
violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

12. Plaintiffs reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully prays that judgment be entered
against the Defendant for the following:

- B. Actual damages;
- C. Discretionary Treble Damages;
- D. Costs and reasonable attorney's fees,
- F. For such other and further relief as may be just and proper.

1 **COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

2 13. Plaintiffs reincorporates by reference all of the preceding paragraphs.

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4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs respectfully prays that judgment be entered
6
7 against the Defendant for the following:

- 8 A. Actual damages
9 B. Punitive Damages; and,
10 C. For such other and further relief as may be just and proper.
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13 Respectfully submitted this 4th day of March, 2009.
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15
16 s/Jon N. Robbins
17 Jon N. Robbins
18 WEISBERG & MEYERS, LLC
19 Attorney for Plaintiffs
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